

ORIGINAL

RATTET, PASTERNAK & GORDON OLIVER, LLP
Attorneys for Debtor/Plaintiff Arrow Seafoods, Inc.
550 Mamaroneck Avenue, Suite 510
Harrison, New York 10528
(914) 381-7400

Robert L. Rattet (RR-2947)
Jonathan S. Pasternak (JP-6107)
Julie A. Cvek (JC-9171)

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

08 CV. 1325

JUDGE CONNER

-----X
In re:

Arrow Seafoods, Inc.,

United States Bankruptcy Court -
SDNY
Case No. 06-12790

Debtor.
-----X

Arrow Seafoods, Inc.,

Plaintiff,

Index No. 15331/07
(Supreme Court of the State of
New York – Bronx County)

-against-

Chenonceaux, Inc. d/b/a Portier Fine Foods,

08 CV _____

Defendant.
-----X

NOTICE OF REMOVAL

**TO THE HONORABLE DISTRICT COURT JUDGE
ASSIGNED TO THESE PROCEEDINGS:**

Arrow Seafoods, Inc., the above-captioned Plaintiff (“Arrow” or the “Plaintiff”), by its attorneys Rattet, Pasternak & Gordon-Oliver, LLP, respectfully provides notice to this Court of removal of the above-captioned action from the Supreme Court of the State of New York, County of Bronx, to the United States District Court for the Southern District of New York, and

respectfully represents as follows:

1. On or about May 18, 2007, the Plaintiff commenced the above-captioned action by the filing of a Summons and Complaint against Chenonceaux Inc. d/b/a Portier Fine Foods, (the "Defendant") in the Supreme Court, County of Bronx (the "State Court"). A copy of the Summons and Complaint is annexed hereto as Exhibit "A".
2. The action has been assigned Index Number 15331-2007 in the State Court.
3. The Plaintiff was not served with Defendant's answer to the Complaint. On or about August 7, 2007, the Plaintiff obtained a Statement for Judgment, a copy of which is annexed hereto as Exhibit "B".
4. Thereafter, by Order to Show and Affirmation in Support, the Defendant sought to vacate the default and judgment, which as entered by the State Court. A copy of the Order to Show Cause, Affirmation in Support and related exhibits thereto as annexed hereto as Exhibit "C". The Affirmation in Support stated that an answer to the Complaint was prepared, but an Affidavit of Service was not prepared and thus service of same could not be established. A copy of the Verified Answer dated June 15, 2007 in annexed hereto as Exhibit "D".
5. By Stipulation dated October 19, 2007, the Plaintiff and Defendant resolved the Order to Show Cause by agreeing, *inter alia*, to vacate the default and judgment and further permitting the Plaintiff to serve an Amended Complaint. A copy of the Stipulation is annexed hereto as Exhibit "E"
6. Pursuant to the terms of the Stipulation, Plaintiff served a Summons with Amended Verified Complaint, a copy of which is annexed hereto as Exhibit "F".
7. Defendant duly answered the Amended Complaint on or about December 12,

2007, a copy of which is annexed hereto as Exhibit "G".

8. The aforementioned papers comprise all "process and pleadings" within the meaning of 28 U.S.C. Sections 1446(a) and 1452 in the removed proceeding.

9. The Automatic Stay does not apply to these proceedings.

10. This Notice of Removal is being timely filed pursuant to Rule 9027 of the Federal Rules of Bankruptcy Procedure.

11. This action is a "core proceeding" within the meaning of 28 U.S.C §157(b)(2)(A), (B), (C) and (O) in that the action concerns: (i) the continuity of business operations of the Debtor and identity of management; and (ii) collection of estate assets. The Debtor is currently liquidating its assets so that it may proceed in filing a Chapter 11 Liquidating Plan. The monies recovered to the Debtor's estate are directly for the benefit of its general unsecured creditor constituency.

12. On or about November 26, 2006, Arrow Seafoods, Inc. filed voluntary petitions pursuant to Chapter 11 of the Code, Case No. 06-12790, and have been continued in possession of its businesses, management of its properties and management of its affairs as provided in 11 U.S.C. §§ 1101, 1107 and 1108.

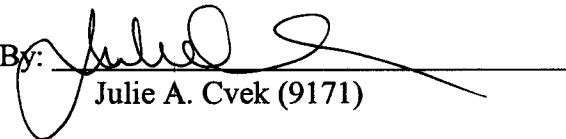
13. Pursuant to 28 U.S.C. Section 1334(d) and the permanent order of reference of the United States District Court for the Southern District of New York issued pursuant to 28 U.S.C. §157, the Bankruptcy Court has exclusive jurisdiction of all of the property, wherever located, of the debtor as of the commencement of the case, and of property of the estate, as well as the determination and allowance of claims against the Estate. Consequently, the above captioned action, which involves the recovery of the assets of the Debtor's estate as well as the proper

administration of the Debtor's bankruptcy estate, should be decided by the Honorable Judge assigned to these proceedings. Therefore, upon removal, this Civil Proceeding should be referred to the Honorable Stuart M. Bernstein, Chief U.S. Bankruptcy Judge, assigned to the bankruptcy case for administration.

14. This action is a civil action of which this Court has original jurisdiction under the provisions of 28 U.S.C. Section 1334, and is one which may be removed to this Court by the Debtor pursuant to the provisions of 28 U.S.C. Section 1452, in that the matter in controversy is a civil action which is a core proceeding and central to the administration of the bankruptcy case.

Dated: Harrison, New York
February 11, 2008

RATTET, PASTERNAK & GORDON- OLIVER, LLP
Attorneys for the Debtor/Plaintiff Arrow Seafoods, Inc.
550 Mamaroneck Avenue, Suite 510
Harrison, New York 10528
(914) 381-7400

By: 
Julie A. Cvek (9171)

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF BRONX

Index No.

ARROW SEAFOODS INC.

15331-07

Plaintiff designates BRONX
County as the place of trial.

Plaintiff(s)

-against-

The basis of the venue designated is:
The Plaintiff resides in
the County of Bronx

CHENONCEAUX INC. d/b/a PORTIER FINE FOODS

Defendant(s)

Summons

Plaintiff resides at: 800 Food Center Drive
Unit 66, Bronx, NY 10474
in the County of BRONX

To the above named defendant(s)

You are hereby summoned to answer the complaint in this action and to serve a copy of your answer, or, if the complaint is not served with this summons, to serve a notice of appearance, on the Plaintiff's attorney within 20 days after the service of this summons, exclusive of the day of service (or within 30 days after the service is complete if this summons is not personally delivered to you within the State of New York) ; and in case of your failure to appear or answer, judgment will be taken against you by default for the relief demanded, herein.

Dated, New York, NY
April 25, 2007

Defendant's Address:
436 Waverly Ave.
Mamaroneck, NY 10543


GOLDMAN, FRIER, & ALTESMAN
Attorneys for Plaintiff
Post office Address & Telephone
Seven Dey Street
New York, NY 10007
212-732-6640

RECEIVED
APR 26 9:13

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF BRONX

Index No.

15331/07

ARROW SEAFOODS INC.

Plaintiff(s)

vs.

CHENONCEAUX INC. d/b/a PORTIER FINE FOODS

Defendant(s)

SUMMONS

*Action not based
upon a Consumer Credit Transaction*

GOLDMAN, FRIER, & ALTESMAN

Attorneys for Plaintiff
**SEVEN DEY STREET
NEW YORK, NY 10007
212-732-6640**

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF BRONX

-----X
ARROW SEAFOODS INC.

Plaintiff,

COMPLAINT

-against-

CHENONCEAUX INC. d/b/a PORTIER FINE FOODS

15331-87
INDEX NO.

Defendant.
-----X

Plaintiff, complaining of the defendant, by its attorneys,
GOLDMAN, FRIER & ALTESMAN, respectfully alleges as follows:

FIRST: At all times herein mentioned, plaintiff
was and still is a New York corporation organized and existing
under and by virtue of the laws of the State of New York
existing at 800 Food Center Drive, Unit 66, Bronx, NY 10474 in
the County of Bronx.

SECOND: Upon information and belief, defendant is
a New York corporation having its principal place of business at
436 Waverly Avenue, Mamaroneck, NY 10543 in the County of
WESTCHESTER.

AS AND FOR A FIRST CAUSE OF ACTION

2008 MAY 19 AM 9:13
COUNTY OF WESTCHESTER

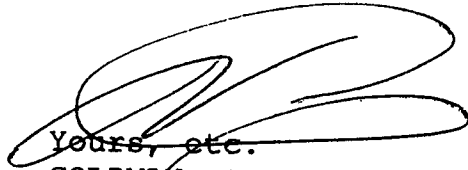
THIRD: That pursuant to the defendant's special instance and request plaintiff sold and delivered to the defendant certain goods, wares and merchandise consisting of fish and or seafood on or about June 13, 2006 to December 22, 2006 for an agreed price and reasonable value upon which there remains an unpaid balance due and owing in the sum of \$135,121.69 no part of which sum has been paid although past due and duly demanded.

AS AND FOR A SECOND CAUSE OF ACTION

FOURTH: Plaintiff repeats, reiterates and realleges each and every allegation contained in paragraphs "FIRST", "SECOND" and "THIRD" of plaintiff's Complaint as if set forth herein at length.

FIFTH: This is an action for an account stated. On or about December 22, 2006 a statement of account was rendered to the defendant by the plaintiff on which statements, after any payments and credits have been deducted total the sum of \$135,121.69 which was accepted and retained by the defendant without objection.

WHEREFORE, plaintiff demands judgment against the defendant in the sum of \$135,121.69 as well as interest from June 13, 2006, costs and disbursements in this action on the "FIRST" and "SECOND" causes of action with such other and further relief as to this Court seems proper.

A large, stylized handwritten signature in black ink, appearing to be 'JL' or similar, written over the text 'Yours, etc.'.

Yours, etc.

GOLDMAN, FRIER & ALTESMAN
Attorneys for Plaintiff
Office & P.O. Address:
Seven Dey Street
New York, New York 10007
(212) 732-6640

STATE OF NEW YORK, COUNTY OF

ss.:

undersigned, an attorney admitted to practice in the courts of New York State,

Certification
By Attorney

certify that the within

has been compared by me with the original and found to be a true and complete copy.

Attorney's
Affirmation

state that I am

the attorney(s) of record for

action; I have read the foregoing

the same is true to my own knowledge, except as to the matters therein alleged to be on information and belief, and as to those matters I believe it to be true. The reason this verification is made by me and not by

in the within

and know the contents thereof;

I believe it to be true. The reason this verification is made by me and not by

The grounds of my belief as to all matters not stated upon my own knowledge are as follows:

that the foregoing statements are true, under the penalties of perjury.

1:

STATE OF NEW YORK, COUNTY OF BRONX

ss.:

The name signed must be printed beneath

undersigned, being duly sworn, depose and say: I am

Individual
Verification

in the action; I have read the foregoing

Corporate
Verification

as to the matters therein stated to be alleged on information and belief, and as to those matters I believe it to be true.

the *VICE PRESIDENT* of *ARROW SEAFOODS INC.*

a *NEW YORK*

corporation and a party in the within action; I have read the foregoing

except as to the matters therein stated to be alleged upon information and belief, and as to those matters I believe it to be true. This

verification is made by me because the above party is a corporation and I am an officer thereof.

grounds of my belief as to all matters not stated upon my own knowledge are as follows:

Jane M Murphy Notary Public
State Of New York No. 03-4652858
Qualified In Bronx County
Commence Filed In New York City
Commission Expires 9/30/09

Robert Smith
The name signed must be printed beneath

ROBERT SMITH

STATE OF NEW YORK, COUNTY OF

ss.:

(If more than one box is checked—indicate after names type of service used.)

undersigned, being sworn, say: I am not a party to the action, am over 18 years of age and reside at

I served the within

Service
By Mail

by mailing a copy to each of the following persons at the last known address set forth after each name below.

Personal
Service on
Individual

by delivering a true copy of each personally to each person named below at the address indicated. I knew each person served

to be the person mentioned and described in said papers as a party therein:

Service by
Electronic
Means

by transmitting a copy to the following persons by ☐ FAX at the telephone number set forth after each name below ☐ E-MAIL.

Overnight
Delivery
Service

at the E-Mail address set forth after each name below, which was designated by the attorney for such purpose, and by mailing a

copy to the address set forth after each name.

by dispatching a copy by overnight delivery to each of the following persons at the last known address set forth after each name

below.

ARROW SEAFOODS INC.

Plaintiff,

-against-

CHENONCEAUX INC. d/b/a PORTIER FINE FOODS

Defendant.

SUMMONS AND VERIFIED COMPLAINT

GOLDMAN, FRIER, & ALTESMAN
Attorneys for Plaintiff
Office and Post Office Address, Telephone
7 Dey Street -8th Floor
NEW YORK, NEW YORK 10007
TEL. 212-732-6640

To:

Service of the within copy
is hereby admitted.

Dated: _____

Attorneys for

X _____

PLEASE TAKE NOTICE

☐ NOTICE OF ENTRY

that the within is a (certified) true copy of a _____
duly entered in the office of the clerk of the within named court on _____ 20____

☐ NOTICE OF SETTLEMENT

that an Order _____ of which the
within is a true copy will be presented for Settlement to the Hon. _____ one of the
Judges of the within named Court at _____
on _____, 20____ at _____ A.M.
Dated: New York, NY

YOURS ETC.
GOLDMAN, FRIER, & ALTESMAN
7 DEY ST., NEW YORK, NY 10007
212-732-6640

To:

Clinton L. Davis

Index No. 15331/07

FILED--RECORDED

SUPREME COURT OF THE STATE OF NEW YORK

COUNTY OF BRONX

07 AUG -7 PM 2:39

ARROW SEAFOODS INC.

COUNTY CLERK
BRONX COUNTY

against

Plaintiff(s)

CHENONCEAUX INC. d/b/a PORTIER
FIND FOODS

Defendant(s)

Judgment Roll

GOLDMAN, FRIER & ALTMAN

Attorney(s) for Plaintiff(s)

Office and Post Office Address

7 DEPT 5400
100 WALL ST
NEW YORK, NY 10038
(212) 512-1011

Amount and interest, \$ 148,760.52

545.00

Costs and disbursements,

\$ 148,760.52

Filed

19

at o'clock

M.

Judgment entered by 201
E.F. on

R.J.I.

At an IA ²¹ Part of the State of New York held in the
County of Bronx, at the Supreme Courthouse
thereof, located at 851 Grand Concourse, on the
²¹ day of September, 2007

PRESENT **LARRY S. SCHACHNER**
HON.

J.S.C.

X

ORDER TO SHOW
CAUSE
Index No. 15331/07

ARROW SEAFOODS INC.,

Plaintiffs,

-against-

CHENONCEAUX, INC., d/b/a PORTIER FINE FOODS,
Defendant,

X

UPON reading and filing the annexed affirmation of WARREN GOODMAN,
dated September 12, 2007 in support of this application by Plaintiff, the affidavit of
Patrick Portier sworn to on September 12, 2007, and upon the papers, proceedings and
the exhibits had herein, and sufficient cause appearing therefor, it is

ORDERED, that the plaintiff show cause before this Court at an IAS Part ²¹
ROOM 217
thereof, to be held at the Courthouse thereof, located at 851 Grand Concourse, Bronx,
New York, on the 10th day of ~~September~~ ^{OCTOBER} 2007, at 9:30 o'clock in the forenoon of that
day, or as soon thereafter as counsel may be heard,

WHY an order should not be made and entered in favor of defendant pursuant to CPLR 5015(a) and 2005, et seq. vacating the default and judgment in this action, allowing defendant's answer to be interposed nunc pro tunc, allowing this case to go forward on the merits, and for any other relief that this court deems just and proper,

UPON the grounds that:


The defendant has made an adequate showing of reasonable excuse;

The defendant has made an adequate showing of merit;

ORDERED, that pending the hearing ~~and determination~~ of the within motion ~~and the entry of an order thereon~~, that the plaintiff and any of its agents, employees, attorneys, or a Marshall or Sheriff acting on Plaintiff's behalf, be and they are enjoined and stayed from proceeding in this case; and they are enjoined, stayed and restrained from enforcing the judgment of this court in any way whatsoever, and that any judgment, levy or restraining notice obtained or sent by plaintiff be deemed vacated; and it is further

ORDERED, that sufficient cause appearing thereon, let service of a copy of this Order and the papers upon which it is granted ~~by~~ ^{PERSONAL SERVICE PURSUANT TO C.P.L.R. 2103(B) FOR 3} by ~~Overnight Mail or Delivery~~ be made upon the attorneys for plaintiff, Goldman, Frier and Altesman, 7 Dey St., (8th floor) NY, NY 10007 Esq., on or before the 28th day of September 2007, be deemed good and sufficient service and notice of this application.

ENTER:


J.S.C. 9/21/07

LARRY S. SCHACHNER

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF BRONX

-----X

AFFIRMATION
IN SUPPORT

Index No. 15331/07

ARROW SEAFOODS INC.,

Plaintiff,

-against-

CHENONCEAUX, INC., d/b/a PORTIER FINE FOODS,

Defendant,

-----X

WARREN S. GOODMAN, an attorney duly admitted to practice law before the courts of the State of New York, hereby affirms the truth of the following, on information and belief, based upon the files maintained in this action, pursuant to CPLR 2106:

1. I am the attorney for defendant, and I am knowledgeable about the facts in this litigation. I make this affirmation in support of defendant's Order to Show Cause in the above-captioned matter for vacatur of a default judgment against my client. Pursuant to CPLR 2004, 2005 and 5015, I also make this affirmation in support of defendant's request or application for an extension of time to interpose and re-serve an answer with leave of the court.
2. An affidavit of merits of defendant's defense and his good and reasonable excuses is annexed hereto, along with the pleadings (the complaint and answer).

3. I believe my answer on behalf of my client was served by mail on June 15, 2007. That is when I prepared it, prepared the verification by Mr. Portier and notarized same, and that date is when I believe it was served, which would be timely service. Issue would have been joined as of that date. Unfortunately, my assistant who would have served the answer is no longer working with me, and did not prepare an affidavit of service before she left. Since that time, I have suffered a serious computer crash which makes reconstruction of those events a few months ago very difficult, if not impossible. Accordingly, I respectfully submit that this would be a reasonable excuse.
4. Mr. Portier, defendant's president, presents his affidavit of merits hereto as a necessary exhibit. *Investment Corporation of Philadelphia v. Spector*, 12 AD2d 911, 210 NYS2d 668 (1st Dept). In fact, Dean David Siegel, in his *New York Practice Hornbook* (West, 1978; pocket part, 1987) states at page 135 of the main text that:

The New York rule of thumb is that a motion to vacate a default requires two showings: (1) an excuse for the default and (2) what is commonly called an "affidavit of merits," in which the defendant is required to make full disclosure of a meritorious defense. This offers assurance that vacating the default will not be a wasted effort; that the defendant does have a reasonable position on the merits and is not just wasting time.

5. Of course, CPLR 5015(a) formally enables the court to open a default judgment upon good cause ("upon the ground of an excusable default if such motion is made within one year after service of a copy of the judgment or written notice of its entry"). Here, there is no such service of the copy of the judgment.

clerk

This motion is timely made, as the judgment was only entered in August 7, 2007 (Exhibit B).

My client only recently learned of the judgment when its bank account was frozen. I also respectfully point out that this section, as well as CPLR 2004, **Extensions of Time Generally** and even 2005, **Excusable delay or default**, are remedial in nature and should therefore be construed broadly. *See, Mineroff v. Macy's and Co.*, 97 AD2d 535, 536 (2nd Dept. 1983).

6. There is a long-established and strong public policy that actions should be disposed of, and considered on, their merits. *See, Mineroff v. Macy's and Co.*, above; *Lirit v. S.H. Laufer World, Inc.* 84 AD2d 704, 443 NYS2d 734 (1st Dept). The benchmark First Department case of *Rothschild v. Haviland*, 172 App. Div. 562, 158 NYS 661, clearly stated the rule on opening defaults:

The favor of the court should be extended upon proper terms when the litigant who has a meritorious cause of action or defense has through inadvertence or neglect lost his right to have his day in court. The favor should be withheld when it is not shown that there is a meritorious controversy, for the court should not be burdened with unfounded claims to relief nor should a just cause be delayed by the interposition of an unwarranted defense. Insistence on the observance of the rule makes for the orderly administration of justice, and is not the enforcement of a mere technical rule of practice.

More recently, the Fourth Department, in *Matter of Raichle, Moore, Banning & Weiss*, 14 AD2d 830, 220 NYS2d, has stated that:

It is the general policy of the courts to permit actions to be determined by a trial on the merits wherever possible and for that purpose a liberal policy is adapted with respect to opening default judgments in furtherance of justice to the end that the parties may have their day in court to litigate the issues.

7. There are several factors a court takes into account when deciding a motion to vacate a default and allow an adjudication on the merits. These include: the

meritorious nature of the defense, whether neglect was excusable, lack of prejudice, brevity and non-deliberateness of the delay and a good faith intent to defend or prosecute the action." *Stolpiec v. Wiener*, 100 AD2d 931, 932 (2nd Dept. 1984). Defendant contends that all of these factors are present here.

8. The *Mineroff* Court, cited in par. 9, supra, is further instructive, holding that

[a] proper exercise of discretion in cases like this requires a balanced consideration of all relevant factors including, *inter alia*, the merit or lack of merit of the action, the seriousness of the injury, the potential prejudice to the other party, and the intent or lack of intent to deliberately default or abandon the action (citation omitted).

9. As stated earlier, Patrick ^{Reiter's} ~~Wiener's~~ affidavit of merits is annexed hereto as exhibit A.

10. As stated above, defendant only learned of the judgment when its bank account was recently attached.

10. For all of the above reasons, it is respectfully submitted that defendant's application by order to show cause for a default judgment against defendant be granted in its entirety; that any default against defendant be deemed vacated or non-existent; that defendant be allowed leave of court to re-serve an answer at

this time, and for other and further relief as the court may deem proper.
11. No prior application for the relief sought herein has been made before this or any other court.
WHEREFORE, it is respectfully submitted that the instant order to show cause

be granted in its entirety, and decided in accordance with the above.

Dated: Larchmont, New York
September 12, 2007


WARREN S. GOODMAN

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF BRONX

-----X
ARROW SEAFOODS INC.,

Plaintiffs,

-against-

Index No. 15331/07

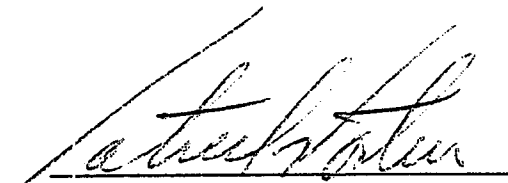
CHENONCEAUX, INC., d/b/a PORTIER FINE FOODS

AFFIDAVIT

Defendant,
-----X

Patrick Portier, being duly sworn, hereby deposes and says:

1. I am the President of the Defendant in this action.
2. I make this affidavit in support of the instant motion to vacate the judgment and for such other relief as the court deems just and proper.
3. During the time the parties did business, the plaintiff (by Mr. Smith, its principal) sold the defendant products which were not proper and fit for its purpose (farmed salmon for curing and smoking), and were nonconforming, and were returned. The defendant is a fish smokehouse and which smokes fish, including salmon, and also does wholesale and retail sales of its product. The salmon sold by plaintiff to defendant were mature, contrary to my company's order. Mature fish have much larger heads, low yield and less body fat and also are have a different color flesh which renders them less saleable. The flesh also had a poor consistency from time to time. I felt as if defendant was being overcharged by plaintiff.
4. In the Fall of 2006, plaintiff and Mr. Smith eventually acquiesced to defendant's complaints, and reduced its price almost by half, from \$3.75 per lb. to \$1.75 per lb.
5. On behalf of defendant, I contest responsibility for the debt. The amount sued on is also excessive and inaccurate.
6. I leave the arguments on the law to the corporation's attorney.


PATRICK PORTIER

^{12th}
Sworn to before me this day of September 2007


NOTARY PUBLIC, STATE OF NEW YORK

WARREN S. GOODMAN
Notary Public, State of New York
No. 5003123
Qualified in Westchester County
Commission Expires Oct. 19, 2010

Exhibit A

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF BRONX

ARROW SEAFOODS INC.

Plaintiff,

-against-

CHENONCEAUX INC. d/b/a PORTIER FINE FOODS

Defendant.

COMPLAINT

INDEX NO.

15331-17

Plaintiff, complaining of the defendant, by its attorneys,
GOLDMAN, FRIER & ALTESMAN, respectfully alleges as follows:

FIRST:

At all times herein mentioned, plaintiff was and still is a New York corporation organized and existing under and by virtue of the laws of the State of New York existing at 800 Food Center Drive, Unit 66, Bronx, NY 10474 in the County of Bronx.

SECOND:

Upon information and belief, defendant is a New York corporation having its principal place of business at 436 Waverly Avenue, Mamaroneck, NY 10543 in the County of WESTCHESTER.

AS AND FOR A FIRST CAUSE OF ACTION

A

THIRD: That pursuant to the defendant's special instance and request plaintiff sold and delivered to the defendant certain goods, wares and merchandise consisting of fish and or seafood on or about June 13, 2006 to December 22, 2006 for an agreed price and reasonable value upon which there remains an unpaid balance due and owing in the sum of \$135,121.69 no part of which sum has been paid although past due and duly demanded.

AS AND FOR A SECOND CAUSE OF ACTION

FOURTH: Plaintiff repeats, reiterates and realleges each and every allegation contained in paragraphs "FIRST", "SECOND" and "THIRD" of plaintiff's Complaint as if set forth herein at length.

FIFTH: This is an action for an account stated. On or about December 22, 2006 a statement of account was rendered to the defendant by the plaintiff on which statements, after any payments and credits have been deducted total the sum of \$135,121.69 which was accepted and retained by the defendant without objection.

WHEREFORE, plaintiff demands judgment against the defendant in the sum of \$135,121.69 as well as interest from June 13, 2006, costs and disbursements in this action on the "FIRST" and "SECOND" causes of action with such other and further relief as to this Court seems proper.



~~Yours, etc.~~

GOLDMAN, FRIER & ALTESMAN
Attorneys for Plaintiff
Office & P.C. Address:
Seven Dey Street
New York, New York 10007
(212) 732-6640

OF NEW YORK, COUNTY OF
 undersigned, an attorney admitted to practice in the courts of New York State,
 certify that the within
 has been compared by me with the original and found to be a true and complete copy.
 state that I am
 the attorney(s) of record for
 action; I have read the foregoing
 the same is true to my own knowledge, except as to the matters therein alleged to be on information and belief, and as to those matters I believe it to be true. The reason this verification is made by me and not by

The grounds of my belief as to all matters not stated upon my own knowledge are as follows:

that the foregoing statements are true, under the penalties of perjury.

OF NEW YORK, COUNTY OF BRONX
 undersigned, being duly sworn, depose and say: I am
 in the action; I have read the foregoing
 and know the contents thereof; the same is true to my own knowledge, except as to the matters therein stated to be alleged on information and belief, and as to those matters I believe it to be true.
 the VICE PRESIDENT of ARROW SEAFOODS INC.
 a NEW YORK corporation and a party in the within action; I have read the foregoing
 and know the contents thereof; and the same is true to my own knowledge, except as to the matters therein stated to be alleged upon information and belief, and as to those matters I believe it to be true. The reason this verification is made by me because the above party is a corporation and I am an officer thereof.
 grounds of my belief as to all matters not stated upon my own knowledge are as follows:

Notary Public
 State Of New York No. 03-4652855
 Commission Expires 9/30/09

ROBERT SMITH

OF NEW YORK, COUNTY OF
 undersigned, being sworn, say: I am not a party to the action, am over 18 years of age and reside at

I served the within
 by mailing a copy to each of the following persons at the last known address set forth after each name below
 by delivering a true copy of each personally to each person named below at the address indicated. I knew each person to be the person mentioned and described in said papers as a party therein:
 by transmitting a copy to the following persons by ☐ FAX at the telephone number set forth after each name below ☐ E-Mail at the E-Mail address set forth after each name below, which was designated by the attorney for such purpose, and by mailing a copy to the address set forth after each name.
 by dispatching a copy by overnight delivery to each of the following persons at the last known address set forth after each name below.

Exhibit B

judgment on verified complaint
X 157—Judgment on Failure to Appear or Plead, Blank Court: 11-77

COPYRIGHT © BY JULIUS BLUMBERG, INC., LAW BLANK PUBLISHERS
80 EXCHANGE PL. AT BROADWAY, N. Y. C. 10004

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF BRONX

Index No. 15331/07

ARROW SEAFOODS INC.

Plaintiff(s)

against

STATEMENT
FOR
JUDGMENT

CHENONCEAUX INC. d/b/a PORTIER FINE FOODS

Defendant(s)

An action against a natural person
based upon non-payment of a
contractual obligation.†

Amount claimed in Complaint (notice)
Interest from 7/29 2006

Costs by Statute \$ 200 00
Service of Summons and Complaint (Secretary of
Affidavits State) 50 00
Transcripts and Docketing
Clerk's Fees entering Judgment 45 00
Postage
Sheriff's Fees on Execution 40 00
Satisfaction Piece
Taxing Costs
Fee for Index Number 210 00

R.J.I.
NOTE OF ISSUE
Costs taxed at \$
ATTORNEYS FEES

I hereby certify that I have
examined this bill of costs at

545

Hector L. Diaz

AUG 07 2007

Clerk

\$ 135,121 69
10,438 12
145,559 81

\$ 200 00
50 00
45 00
40 00
210 00

545 00

Total.....\$ 146,104.81

STATE OF NEW YORK, COUNTY OF NEW YORK

The undersigned, attorney at law of the State of New York associated with GOLDMAN, FRIER & ALTESMAN, 7

Dey Street, New York, NY 10007

attorney(s) of record for the plaintiff(s)

herein, states that the disbursements above specified are correct and true and have been or will necessarily be made or incurred herein and are reasonable in amounts; that the time of the defendant(s) to appear or answer herein has expired and that the said defendant(s) has not appeared or answered herein. The undersigned affirms this statement to be true under the penalties of perjury.

Dated: NEW YORK, NY
JULY 18, 2007

RONALD H. FRIER The name signed must be printed beneath

JUDGMENT entered the day of 20

The summons and complaint
CHENONCEAUX INC. d/b/a PORTIER FINE FOODS in this action having been personally served on

defendant herein and the time of said defendant to appear or answer having expired, and said defendant not having appeared or answered herein

NOW, ON MOTION OF GOLDMAN, FRIER & ALTESMAN
attorney(s) for plaintiff(s) it is,

ADJUDGED that

ARROW SEAFOODS INC.
residing at 800 FOOD CENTER DRIVE, UNIT 66, BRONX, NY 10474
do recover of

plaintiff(s).

CHENONCEAUX INC. d/b/a PORTIER FINE FOODS
residing at 436 WAVERLY AVENUE, MAMARONECK, NY 10543

defendant

the sum of \$ 145,559.81 the amount claimed with interest with \$ 545.00 costs and disbursements.
amounting in all to the sum of \$ 146,104.81 and that the plaintiff have execution therefor.

Hector L. Diaz

" B "

Index No. 15331/07

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF BRONX

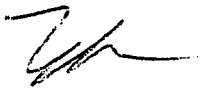
-----X
ARROW SEAFOODS INC.,

Plaintiff,

-against-

CHENONCEAUX, INC., d/b/a PORTIER FINE FOODS,
Defendant,

-----X
ORDER TO SHOW CAUSE AND EXHIBITS



LAW OFFICES

22 NYCRR 130-1.1-a COMPLIANCE

WARREN S. GOODMAN
Attorney for Defendant
138 CHATSWORTH AVE.
LARCHMONT, NY 10538
(914) 833-2930

To:

FOX 914-833-2848

Attorney for

Service of a copy of the within
admitted.

is hereby

Dated:

Attorney(s) for

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF BRONX

-----X
ARROW SEAFOODS INC.,
Plaintiffs,

-against-

CHENONCEAUX, INC., d/b/a PORTIER FINE FOODS
Defendant,

Index No. 15331/07

VERIFIED ANSWER

-----X

Defendant CHENONCEAUX, INC., by its attorney, WARREN S. GOODMAN, ESQ., as and for
their Verified Answer to the Verified Complaint, alleges upon information and belief as follows:

1. Denies the allegation in the Complaint numbered "First" for lack of knowledge on
information sufficient to form a belief

2. Admits the allegations contained in paragraph "2" of the Verified Complaint.

ANSWERING THE FIRST CAUSE OF ACTION

3. Denies the allegations contained in paragraph "3" of the Verified Complaint.

ANSWERING THE SECOND CAUSE OF ACTION

4. Repeats, reiterates and realleges each and every allegation contained in the paragraphs "1:
"2", "3" and "4" of Verified Complaint.

5. Denies each and every allegation contained in the paragraph "5" of Verified Complaint.

AS AND FOR AFFIRMATIVE DEFENSES

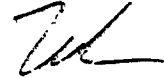
6. The plaintiff sold defendant products which were not proper and fit for consumption,
and were nonconforming, and were returned.

7. The amount sued on is excessive and inaccurate.

WHEREFORE, the answering defendant demands judgment dismissing the Verified Complaint, and also the costs, interest and disbursements of this action, and such other and further relief as the court deems just and proper.

Dated: Larchmont, New York,
June 15, 2007

Yours, etc.



WARREN S. GOODMAN, ESQ.
Attorney for Defendant
138 Chatsworth Ave.
Larchmont, NY 10538
(914) 833-2930
Fax (914) 833-2848

To: GOLDMAN FRIER & ALTESMAN
Attorney for Plaintiff
Seven Day Street
New York, NY 10007

VERIFICATION

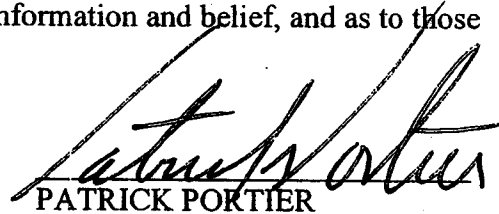
STATE OF NEW YORK)

ss:

COUNTY OF WESTCHESTER)

PATRICK PORTIER, being duly sworn, hereby deposes and says:

I am the President of Defendant in the action herein: I have read the annexed
Verified Answer and know the contents thereof and the same are true to my knowledge,
except those matters therein which are stated on information and belief, and as to those
matters I believe them to be true.



PATRICK PORTIER

Sworn to before me this
15 day of June 2007



Notary Public

WARREN GOODMAN, ESQ
138 CHATSWORTH AVE.
LARCHMONT, NY 10538

WARREN S. GOODMAN
Notary Public, State of New York
#0250 No. 5003123
Qualified in Westchester County
Commission Expires Oct. 19, 2010

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF BRONX

-----X
ARROW SEAFOODS INC.,

PLAINTIFF,

against

CHENONCEAUX, INC.

DEFENDANT
-----X

STIPULATION

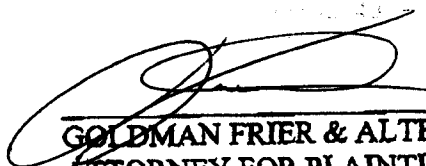
INDEX NO. 15331/07

IT IS HEREBY STIPULATED AND AGREED, BY AND BETWEEN THE
UNDERSIGNED, THE ATTORNEYS FOR THE PARTIES IN THE ABOVE ACTION,
that the pending Order to Show Cause is resolved as follows:


1. The pending Order to Show Cause to vacate the default judgment is granted and the default judgment is vacated in its entirety;
2. All levies, garnishments, restraints or restrictions on defendant's bank or other accounts are vacated in their entirety;
3. The Defendant's answer is deemed served and is accepted by plaintiff in the form attached to the moving papers;
4. All jurisdictional defenses are waived by defendant;
5. The Plaintiff shall have 45 days to serve an amended complaint.

6. A fax copy or Xerox of any signature hereto shall have the full force and effect of an original signature.

Dated: Larchmont, NY
October 19, 2007



GOLDMAN FRIER & ALTESMAN
ATTORNEY FOR PLAINTIFF
SEVEN DAY STREET
NEW YORK, NY 10007
Phone: (212) 732-6640
Fax: (212) 732-6644



WARREN GOODMAN, ESQ.
ATTORNEY FOR DEFENDANT
138 CHATSWORTH AVE.
LARCHMONT, NY 10538
Phone: (914) 833-2930
Fax: (914) 833-2848

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF BRONX

Index No. 15331/07

ARROW SEAFOODS INC.

-against-

Plaintiff(s)

Plaintiff designates BRONX
County as the place of trial.

The basis of the venue designated is:
The Plaintiff resides in
the County of Bronx

CHENONCEAUX INC. d/b/a PORTIER FINE FOODS

Defendant(s)

Summons

Plaintiff resides at: 800 Food Center Drive
Unit 66, Bronx, NY 10474
in the County of BRONX

To the above named defendant(s)

You are hereby summoned to answer the complaint in this action and to serve a copy of your answer, or, if the complaint is not served with this summons, to serve a notice of appearance, on the Plaintiff's attorney within 20 days after the service of this summons, exclusive of the day of service (or within 30 days after the service is complete if this summons is not personally delivered to you within the State of New York) ; and in case of your failure to appear or answer, judgment will be taken against you by default for the relief demanded, herein.

Dated, New York, NY
April 25, 2007

Defendant's Address:
436 Waverly Ave.
Mamaroneck, NY 10543


GOLDMAN, FRIER, & ALTESMAN
Attorneys for Plaintiff
Post office Address & Telephone
Seven Dey Street
New York, NY 10007
212-732-6640

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF BRONX

Index No.

15331/07

ARROW SEAFOODS INC.

Plaintiff(s)

vs.

CHENONCEAUX INC. d/b/a PORTIER FINE FOODS

Defendant(s)

SUMMONS

*Action not based
upon a Consumer Credit Transaction*

GOLDMAN, FRIER, & ALTESMAN

Attorneys for Plaintiff
**SEVEN DEY STREET
NEW YORK, NY 10007
212-732-6640**

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK

-----X
ARROW SEAFOODS INC.

AMENDED
COMPLAINT

Plaintiff,

-against-
CHENONCEAUX INC. d/b/a PORTIER FINE FOODS

INDEX NO.15331/07

Defendant.
-----X

Plaintiff, complaining of the defendant, by its attorneys,
GOLDMAN, FRIER & ALTESMAN, respectfully alleges as follows:

FIRST: At all times herein mentioned, plaintiff was and still is a New York corporation organized and existing under and by virtue of the laws of the State of New York existing at 800 Food Center Drive, Unit 66, Bronx, NY 10474 in the County of Bronx.

SECOND: Upon information and belief, defendant is a New York corporation having its principal place of business at 436 Waverly Avenue, Mamaroneck, NY 10543 in the County of WESTCHESTER.

AS AND FOR A FIRST CAUSE OF ACTION

THIRD: That pursuant to the defendant's special instance and request plaintiff sold and delivered to the defendant certain goods, wares and merchandise consisting of fish and or seafood on or about June 13, 2006 to December 22, 2006 for an agreed price and reasonable value upon which there remains an unpaid balance due and owing in the sum of \$135,121.69 no part of which sum has been paid although past due and duly demanded.

AS AND FOR A SECOND CAUSE OF ACTION

FOURTH: Plaintiff repeats, reiterates and realleges each and every allegation contained in paragraphs "FIRST", "SECOND" and "THIRD" of plaintiff's Complaint as if set forth herein at length.

FIFTH: This is an action for an account stated. On or about December 22, 2006 a statement of account was rendered to the defendant by the plaintiff on which statements, after any payments and credits have been deducted total the sum of \$135,121.69 which was accepted and retained by the defendant without objection.

AS AND FOR A THIRD CAUSE OF ACTION

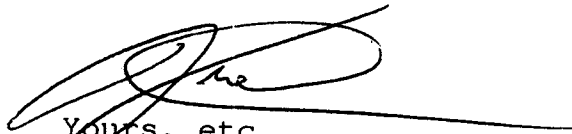
SIXTH: Plaintiff repeats, reiterates and realleges each and every allegation contained in paragraphs "FIRST", "SECOND" and "THIRD" of plaintiff's Complaint as if set forth herein at length.

SEVENTH: This is an action to recover on 9 checks (as attached) made and issued by the corporate defendant to the order of the plaintiff which were issued for valuable consideration. Said 9 checks total the sum of \$37,286.77 no part of which sum has been paid although past due and duly demanded. Check # 1741 for \$3,100.14 was deposited by plaintiff but said check failed to clear the bank since the defendant without right stopped payment on said check. Despite having been duly presented for payment, no part of said \$3,100.14 has been paid. The balance of the attached checks totaling \$37,286.77 were made and issued by the defendant for valuable consideration but plaintiff did not deposit those checks only because the defendant's principal(s) advised plaintiff not to deposit the checks defendant advised plaintiff that there would not be sufficient funds in the defendant's bank account for the checks to clear. No part of the entire sum of \$37,286.77 has been paid

although past due and duly demanded. The last of the checks was dated October 26, 2006.

WHEREFORE, plaintiff demands judgment against the defendant in the sum of \$135,121.69 as well as interest from June 13, 2006, costs and disbursements in this action on the "FIRST" and "SECOND" causes of action with such other and further relief as to this Court seems proper and

plaintiff demands judgment against the defendant in the sum of \$37,286.77 as well as interest from October 26, 2006 and costs and disbursements in this action on the "THIRD" cause of action with such other and further relief as to this Court seems proper.



Yours, etc.
GOLDMAN, FRIER & ALTESMAN
Attorneys for Plaintiff
Office & P.O. Address:
Seven Dey Street
New York, New York 10007
(212) 732-6640

Valley National Bank

*** NOTICE ***

#001000040*
12/24/2006
6213475297

This is a LEGAL COPY of
your check. You can use it
the same way you would
use the original check.

RETURN REASON-C
, STOP PAYMENT

04/13/24

RETURN REASON - 0

STOP PAY TO THE ORDER OF INC.

NEW YORK 10548

NEW YORK 10548

DATE 10/12/06

000701657

3100 11

PAID TO THE ORDER OF

Amount Secured

Thirty One Hundred Dollars

9/14/00

DOLLARS & 11

30

9/21 Sale 1/2

00003100 11

00003100 11

1100 174 110

41:0 260 136 731:

791930047000

00003 100 14

Bounce

CHENONCEAUX, INC.
436 WAVERLY AVENUE
MAMARONECK, NEW YORK 10543
www.porterlinefoods.com

Commerce Bank
America's Most Convenient Bank
1-800-YES-3600
1-1367/260 471

052508

10/5/2006

\$ 5,081.07

DOLLARS

PAY TO THE ORDER OF Arrow Seafoods, Inc.

Five Thousand Eighty-One and 07/100

Arrow Seafoods, Inc.
800 Food Center Drive
Unit 66
Bronx, NY 10474

MEMO

9/12/06

#052508# 10260136731 7919300470#

CHENONCEAUX, INC.

Arrow Seafoods, Inc.

Date	Type	Reference	Original Amt.	Balance Due	Discount	Payment
05/10/2006	Bill	525768	2,140.96	255.91		255.91
05/12/2006	Bill	526387	4,135.24	4,135.24		4,135.24
05/15/2006	Bill	526524	3,170.57	3,170.57		689.92
					Check Amount	5,081.07

052508

10/5/2006

5,081.07

9/12/06

Commerce Chenonceaux

5,081.07

CHENONCEAUX, INC.
436 WAVERLY AVENUE
MAMARONECK, NEW YORK 10543
www.porterlinefoods.com

Commerce Bank
America's Most Convenient Bank
1-800-YES-3600

1745

1-1367/260 471

DATE *10/17/06*

\$ 4500

DOLLARS

PAY TO THE ORDER OF *Arrow Seafoods*

9/25-9/26 HMF

#001745# 10260136731 7919300470#

Patricia Water

CHENONCEAUX, INC.
436 WAVERLY AVENUE
MAMARONECK, NEW YORK 10543
www.porterlinefoods.com

Commerce Bank
America's Most Convenient Bank
1-800-YES-2000
1-1307/260-471

052623

10/13/06

PAY TO THE ORDER OF *Arrow Sea food*

\$ *4550.00*

DOLLARS

MEMO *9/25 - 9/26 HALF*

SPT
AUTHORIZED SIGNATURE

⑈052623⑈ ⑆026013673⑆ 7919300470⑈

CHENONCEAUX, INC.

052623

CHENONCEAUX, INC.
436 WAVERLY AVENUE
MAMARONECK, NEW YORK 10543
www.porterlinefoods.com

Commerce Bank
America's Most Convenient Bank
1-800-YES-2000
1-1307/260-471

052624

10/14/06

PAY TO THE ORDER OF *Arrow Sea food*

\$ *4600 -*

DOLLARS

MEMO *9/28 (HALF)*

SPT
AUTHORIZED SIGNATURE

⑈052624⑈ ⑆026013673⑆ 7919300470⑈

CHENONCEAUX, INC.

052624

CHENONCEAUX, INC.
436 WAVERLY AVENUE
MAMARONECK, NEW YORK 10543
www.portierlinefoods.com

Commerce Bank
America's Most Convenient Bank
1-800-YES-2000
1-1367/260
471

052625

10/20/06

PAY TO THE ORDER OF Arrow Seafood

\$ 4633 ¹⁰ —

DOLLARS

MEMO 9/28 (Half)

SPR...
AUTHORIZED SIGNATURE

⑈052625⑈ ⑆026013673⑆ 7919300470⑈

CHENONCEAUX, INC.

052625

CHENONCEAUX, INC.
436 WAVERLY AVENUE
MAMARONECK, NEW YORK 10543
www.portierlinefoods.com

Commerce Bank
America's Most Convenient Bank
1-800-YES-2000

1765

DATE 10/23/06 1-1367/260
471

PAY TO THE ORDER OF Arrow Seafood

\$3590 ⁷¹ —

DOLLARS

FOR 10/2

SPR...
AUTHORIZED SIGNATURE

⑈001765⑈ ⑆026013673⑆ 7919300470⑈

CHK # 1765

CHENONCEAUX, INC.
436 WAVERLY AVENUE
MAMARONECK, NEW YORK 10543
www.portlinefoods.com

PAY
TO THE
ORDER OF Arrow Safford

DATE 10/24/06 1-1357/260
1766
\$ 5179.67
DOLLARS

FOR 10/3
"001766" 10260136731 79193004701
Signature: [Signature]

CK# 1766

CHENONCEAUX, INC.
436 WAVERLY AVENUE
MAMARONECK, NEW YORK 10543
www.portlinefoods.com

PAY
TO THE
ORDER OF Arrow Safford

DATE 10/24/06 1-1357/260
1774
\$ 2052
DOLLARS

FOR 10/3
"001774" 10260136731 79193004701
Signature: [Signature]

STATE OF NEW YORK, COUNTY OF

SS.:

I, the undersigned, an attorney admitted to practice in the courts of New York State,

☐ **Certification By Attorney** certify that the within
has been compared by me with the original and found to be a true and complete copy.

☐ **Attorney's Affirmation** state that I am
the attorney(s) of record for

action; I have read the foregoing

the same is true to my own knowledge, except as to the matters therein alleged to be on information and belief, and as to those matters I believe it to be true. The reason this verification is made by me and not by

in the within

and know the contents thereof;

The grounds of my belief as to all matters not stated upon my own knowledge are as follows:

I affirm that the foregoing statements are true, under the penalties of perjury.

Signed:

The name signed must be printed beneath

STATE OF NEW YORK, COUNTY OF BRONX

SS.:

I, the undersigned, being duly sworn, depose and say: I am

☐ **Individual Verification** in the action; I have read the foregoing

Robert Smith

and know the contents thereof; the same is true to my own knowledge, except
as to the matters therein stated to be alleged on information and belief, and as to those matters I believe it to be true.

☒ **Corporate Verification** the VICE PRESIDENT of ARROW SEAFOODS INC.
a NEW YORK

corporation and a party in the within action; I have read the foregoing

-----AMENDED COMPLAINT----- and know the contents thereof; and the same is true to my own knowledge.
except as to the matters therein stated to be alleged upon information and belief, and as to those matters I believe it to be true. This
verification is made by me because the above party is a corporation and I am an officer thereof.

The grounds of my belief as to all matters not stated upon my own knowledge are as follows:

Sworn to before me on

Nov 02 2007

Jane M Murphy Notary Public
State Of New York No. 03-4552856
Qualified In Bronx County
Commission Expires 9/30/09

The name signed must be printed beneath

ROBERT SMITH

STATE OF NEW YORK, COUNTY OF

SS.:

I, the undersigned, being sworn, say: I am not a party to the action, am over 18 years of age and reside at

I

I served the within

☐ **Service By Mail** by mailing a copy to each of the following persons at the last known address set forth after each name below.

☐ **Personal Service on Individual** by delivering a true copy of each personally to each person named below at the address indicated. I knew each person served
to be the person mentioned and described in said papers as a party therein:

☐ **Service by Electronic Means** by transmitting a copy to the following persons by ☐ FAX at the telephone number set forth after each name below ☐ E-MAIL.
at the E-Mail address set forth after each name below, which was designated by the attorney for such purpose, and by mailing a
copy to the address set forth after each name.

☐ **Overnight Delivery Service** by dispatching a copy by overnight delivery to each of the following persons at the last known address set forth after each name
below.

ARROW SEAFOODS INC.

Plaintiff,

-against-

CHENONCEAUX INC. d/b/a PORTIER FINE FOODS

Defendant.

SUMMONS AND VERIFIED AMENDED COMPLAINT

GOLDMAN, FRIER, & ALTESMAN

Attorneys for Plaintiff

Office and Post Office Address, Telephone

7 Dey Street -8th Floor

NEW YORK, NEW YORK 10007

TEL. 212-732-6640

To:

Service of the within copy
is hereby admitted.

Attorneys for

Dated: _____
X _____

PLEASE TAKE NOTICE

☐ NOTICE OF ENTRY

that the within is a (certified) true copy of a _____
duly entered in the office of the clerk of the within named court on _____ 20____

☐ NOTICE OF SETTLEMENT

that an Order _____ of which the
within is a true copy will be presented for Settlement to the Hon. _____ one of the
Judges of the within named Court at _____
on _____, 20____ at _____ A.M.

Dated: New York, NY

YOURS ETC.

GOLDMAN, FRIER, & ALTESMAN

7 DEY ST., NEW YORK, NY 10007

212-732-6640

To:

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF BRONX

-----X
ARROW SEAFOODS INC.,

Plaintiffs,

-against-

Index No. 15331/07

CHENONCEAUX, INC., d/b/a PORTIER FINE FOODS

VERIFIED AMENDED ANSWER

Defendant,
-----X

Defendant CHENONCEAUX, INC., by its attorney, WARREN S. GOODMAN, ESQ., as and for their Verified Answer to the Verified Complaint, alleges upon information and belief as follows:

1. Denies the allegation in the Complaint numbered "First" for lack of knowledge on information sufficient to form a belief
2. Admits the allegations contained in paragraph "2" of the Verified Complaint.

ANSWERING THE FIRST CAUSE OF ACTION

3. Denies the allegations contained in paragraph "3" of the Verified Complaint.

ANSWERING THE SECOND CAUSE OF ACTION

4. Repeats, reiterates and realleges each and every response to the allegations contained in the previous paragraphs of Verified Complaint as if set forth again at length.
5. Denies each and every allegation contained in the paragraph "5" of Verified Complaint.

ANSWERING THE THIRD CAUSE OF ACTION

6. Repeats, reiterates and realleges each and every response to the allegations contained in the previous paragraphs of Verified Complaint as if set forth again at length.
7. Denies the allegations contained in par. "7" of the Verified Complaint.

AS AND FOR AFFIRMATIVE DEFENSES

8. The plaintiff sold defendant products which were not proper and fit for consumption, and were nonconforming, and were returned.
9. The amount sued on is excessive and inaccurate.

WHEREFORE, the answering defendant demands judgment dismissing the Verified Complaint, and also the costs, interest and disbursements of this action, and such other and further relief as the court deems just and proper.

Dated: Larchmont, New York,
December 10, 2007

Yours, etc.



WARREN S. GOODMAN, ESQ.
Attorney for Defendant
138 Chatsworth Ave.
Larchmont, NY 10538
(914) 833-2930
Fax (914) 833-2848

To: GOLDMAN FRIER & ALTESMAN
Attorney for Plaintiff
Seven Day Street
New York, NY 10007

**WARREN S. GOODMAN
ATTORNEY-AT-LAW
138 CHATSWORTH AVENUE
LARCHMONT, NEW YORK 10538
(914) 833-2930
FAX (914) 833-2848**

FAX COVER SHEET

DATE: 12.12.07

TO: RON FRIER

FAX: (212) 732-6644

FROM: Warren S. Goodman

PHONE: (914) 833-2930

FAX: (914) 833-2848

RE: ARROW SEAFOODS, INC. V. CHENONCEAUX, INC.

Number of pages, including cover sheet: 3

REMARKS: Urgent

For Your Review

Reply ASAP

Please comment

MESSAGE:

VERIFICATION TO FOLLOW.

Thank You,

Warren S. Goodman, Esq.

The information in this fax message is intended only for the PERSONAL AND CONFIDENTIAL use of the designated recipient named above. The message may be an attorney-client communication, and as such is PRIVILEGED AND CONFIDENTIAL. If the reader of this message is not the intended recipient or an agent responsible for delivering it to the intended recipient, you are hereby notified that you have received this document in error, and that any review, dissemination, distribution, or copying of this message is strictly prohibited. If you have received this communication in error, please notify us immediately by telephone and return the original message to us by mail.